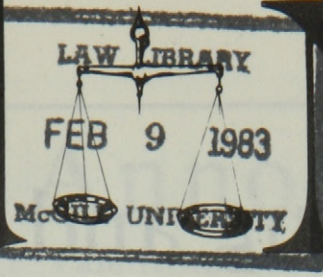


# Quid Novi



VOL. III NO. 18

McGILL UNIVERSITY FACULTY OF LAW  
FACULTE DE DROIT UNIVERSITY MCGILL

February 9, 1983  
9 février, 1983

## General Assembly Votes Yes

by Joseph Rikhof

Students voted overwhelmingly in favour of a fall study week and increased student representation on faculty council in the General Assembly meeting held February 2nd.

### Study Week

Stefan LeGouëff introduced the study week issue. He explained that a study week would relieve pressure and would enable students to catch up with classwork and to integrate the material. Also, students would have more time to write papers and to prepare for exams. Moreover, he pointed out that Université de Montréal, Sherbrooke, and Laval have the same institution. Few objections were raised in the General Assembly, although some people pointed out practical difficulties arising from the school year starting at the end of August instead of the beginning of September. Concerns were expressed about students in their final year having interviews during August, and some students did not want to lose a week of summer employment or have to rent an apartment for the end of August. It was countered that job interviews are usually held in the middle of August, and that students usually rent an apartment in August anyway. The general feeling was probably summarized best by the comments of one student who said that one could always miss the first week of classes and

that the advantages of a study week clearly outweighed the disadvantages. The vote in favour of the motion indicated that most people agreed. Other motions, stating that the study week should be in November and that these should be pre-

ferably four days between the last day of classes and the first day of exams, were accepted without much discussion.

### Student Representation

Roger Cutler elaborated  
Cont'd on p. 3

## LSA Council Plans Motions

by Joseph Rikhof

The LSA Council meeting of February 1 consisted of preparing the motions which would be presented at the General Assembly meeting the next day.

The first motion under discussion concerned the proposed study week. Apart from some grammatical improvements and total procedural confusion caused by several amendments, sub-amendments, and withdrawals, the only discussion of importance related to the tactics for presenting the motion. For reasons of clarity it was decided to submit the proposals in three parts: the need for a study week, its timing, and the length of time between classes and exams.

The discussion of the president's report containing the proposal to increase student representation on Faculty Council, again centered on tactics. Some council members were in favour of putting pressure on faculty members by hol-

ding a day of silence before the Faculty Council meeting. However, the majority thought that less radical measures were more appropriate, urging students to talk to professors in class.

The only other contentious point was Stefan LeGouëff's proposal to organize an activity to fund Oxfam. Other council members, while in favour of the idea of charitable giving, did not think that LSA Council was the place to discuss the use of profits from parties; or they favoured targeting a local charity for practical reasons. No decision was taken.

Stefan LeGouëff reported on the last CADED meeting and Tim Baikie on the Student Council meeting and a CUSA/CCU meeting at Concordia. (Both were reported in last week's Quid Novi). The last issue discussed was the motion requesting that the Dean hold a question-and-answer period for students at some point between February 15 and 19. This motion was accepted.

# The law, teaching and Professor Stevens

by Dan Barker &  
Henri Pallard

The manner in which Professor Stevens has been teaching his Property IA and Real Estate Transaction courses has generated mixed reactions amongst his students. In an interview with Quid Novi, Stevens, who is in his first year of full-time teaching, indicated that he was aware of the general thrust of these comments.

Although Stevens was responsible only for a single section of Property IA during the fall term, he still felt somewhat disadvantaged due to his lack of teaching experience. He found the size of the class -- 125 students -- to be intimidating. Also, real and personal property were not his predominant interests, which ranged instead from taxation and international business to corporate-commercial law and restitution. He does however feel quite comfortable teaching the Real Estate Transactions course as he had good practical experience in this field of the law while articling.

The problems associated with the first year of teaching, as well as the size of the class, perhaps explain why certain students thought that Stevens seemed somewhat unsure of himself, weak in his command of the materials, and at times ineffective in controlling and directing class discussions. However, a few students thought that his treatment of the course materials in Property IA was a necessary first step if students were to reflect upon the nature of the relationship between law and

society. This is not a problem in the Real Estate transactions course, says Stevens, as it is a "meat and potatoes type of course". However, his adoption of the legal realist perspective and his propensity to raise and leave unanswered many questions has posed problems for certain students.

Though other students have remarked that his pedagogical skills and, more specifically, his ability to bring the essence of the materials to the attention of the students have improved, there is still some dissatisfaction among the students. His Christmas exam generated discontent because it was unusual in its length, method, and substance. Certain students felt that this demonstrated Stevens' lack of experience with the traditional exam patterns and mentality at McGill. Other students felt that Stevens' exam method was an attempt to provide a more meaningful way of assimilating the term's materials.

Stevens responds that he is becoming increasingly successful as a teacher and in his attempts to adapt to the McGill environment; he recognizes that students here are accustomed to focusing upon what constitutes the law through a purely positivistic mode of analysis. He feels that he is striving to reconcile himself to this imperative while maintaining what for him is fundamental: an investigation of the constant process comprised in society's creation and use of the law. While Stevens feels that it is very important that a legal education impart a number of skills to

a student, one of which is the use of traditional methods of legal analysis, he also thinks that students must learn to address legal problems from different perspectives. To the students' criticisms, Stevens offered this general reply: "People should come here (to my office) to talk with me about it."

While student criticism of teaching ability may be justified, there remains a general impression that students are using problems of delivery as a guise for attacking Stevens' approach to the subject matter. This reflects a certain tension between competing ideologies about the law and the teaching of law.

Criticism of a poor com-

Cont'd on p. 3

## Ode (Owed) to Johnny's Hideaway

It was a lucky autumn shower  
It was a most convenient door  
We jogged our way into this café  
On the somewhat lower floor.

We shook the raindrops  
from our clothing  
Then met the owner face to face  
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for some breakfast, saying  
"Yas, theess es the place."

We were sipping coffee  
And as our eggs were fried  
We saw several "locals"  
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## Stevens

Cont'd from p. 2

mand of material often masks a resistance to the idea that a legal education consists of something more than the simple learning of rules and their application to particular situations. How particular rules have helped to develop Canadian society and how the law maintains or transforms these rules in contemporary situations are not seen by some as relevant to a legal education. Stevens questions this: are these not some of the problems that a legal education must address as it tries to prepare people for the practice of law? He also believes that the confrontation of these issues helps to justify the place of a law school in a university.

David Stevens

1976 B.A. (History)

University of Western Ontario;

1979 LL.B. University of Western Ontario;

1980 LL.B. Cambridge (Emmanuel College);

1980-81 Articled London, Ontario, Shepard McKenzie;

1981-82 Osgoode Hall, Bar Admission Course

April, 1982 Called to the Bar, Law Society of Upper Canada;

June, 1982 Visiting Assistant Professor, Faculty of Law McGill University.

## Announcements

Put your Valentine cards in the Valentine Box soon. Continue the tradition.

### The Social Committee

#### Supper II!

Women and the Law will sponsor another supper on Thursday, February 10, 1983. The time is 5:30 p.m., the price \$3.50 per plate.

### New LSA Sub-Committees

The LSA has established two committees to investigate and report upon two areas of concern in this faculty. They are:

#### Tenure Sub-Committee

This committee will consist of four students, who will develop a set of criteria for promotion and tenure decisions within the faculty. These criteria will then be used to deliver reports on all professors under consideration for promotion or tenure.

#### Policy and Planning Sub-Committee

This committee will define the goals of this fa-

culty and attempt to define what is meant by a "national law school." If possible, this committee will consider the ad hoc review of the Faculty, and use it as a basis for its report.

More details and sign-up sheets are in the LSA office. All students are encouraged to take this opportunity to provide input into these questions.

### Wanted: Orators and Writers

#### Personal Appeal Mailing Program:

The PAMP needs students to draft letters to graduates who have never contributed to the Faculty. After the letters have been reproduced, they will only have to be signed and addressed.

#### Phonathon:

There will be a phonathon on February 21-22 at Martlet House. After refreshments and instructions, the volunteers will phone for two hours. It won't take much of your effort or time to raise money for the little extras that McGill Law students need. So sign up now at S.A.O.

**Christopher Broadbent**  
Coordinator

## Yes

Cont'd from p. 1

on the leaflet which was added to the Quid Novi of that week. Richard Janda, another member of the student representation committee, explained that it was more crucial than ever to have better representation in Faculty Council because it is there that the Faculty Review Report, which will have a great impact on the

law school, will be discussed. Also, the time was ripe, because it is probable that the Review calls for increased student representation. Janda urged people to attend the Faculty Council meeting on February 16 and to talk to professors about the topic in hallways and in classes.

The only dissonance during the discussion came from Wayne Burrows. According to him, students should realize that the law school is conservative, and that

increased representation would change nothing. He added that students should keep in mind that professors are more aware than students of what is best for the law school. In response, Marek Nitoslowski stated that in the past, students have shown that they are responsible enough to serve the law school well. They have filled gaps left open in the administration of the Faculty. Most students agreed with those final words. The vote lacked unanimity by only 2 abstentions.

# Quid Novi

Quid Novi would like to thank the following for their most generous support in our recent Fund Drive.

The Office of the Dean

The Martlet Society

The Students Society

The Faculty of Law

Dean Brierley  
Associate Dean Macdonald  
Professor Birks  
Professor Bridge  
Professor Cantin Cumyn  
Professor Cotler  
Professor Crépeau  
Professor de Mestral  
Professor Durnford  
Professor H.P. Glenn  
Professor Grey  
Professor Scott  
Professor Simmonds  
Professor Sklar  
Professor Stevens  
Professor Tetley  
Professor Vlasic  
Professor Wade

## Quid Novi Announcement

Quid Novi welcomes articles, letters to the editor, and notices of coming events. Please submit what you have by Friday for publication in the following Wednesday's paper. The Quid Novi office is in the bottom of old Chancellor Day Hall beside the LSA office and the Bookstore. Meetings will be held every Monday in the Common Room.

Le comité de rédaction vous invite à contribuer au Quid Novi en nous faisant parvenir des articles, des lettres au Quid Novi, ainsi que toute annonce concernant les activités à venir. Nous nous prions de les soumettre avant le vendredi de la semaine précédant la publication du journal. Le bureau de Quid Novi se trouve au sous-sol de vieil édifice de Chancellor Day Hall à côté du bureau du LSA. Les réunions se tiendront tous les lundis à 1:00 pm. dans le "Common Room".

## Editorial Student Rep

# Dean Takes Initiative

On Dean Brierley's initiative, student representation on Faculty Council may soon be increased. Over the past several months, the Dean has consulted with students and Faculty in order to arrive at an appropriate formula. This has involved compromise on both sides; now the time has come to support the Dean and to put the issue of student representation to rest.

The resolution to be presented will set a permanent ratio of one student to every four professors. In order to meet some professors' concern about "block voting" by students against Faculty interests, it has been proposed that students sitting on Faculty Council also sit on its standing committees. This would ensure that students were better informed as to where the interests of the Faculty lay.

The leadership shown by the Dean on this issue should ensure a period of healthier relations between students and Faculty. With this major concern of students out of the way, everyone can now give their full attention to the more pressing problems that arise out of the Faculty Review.

Indeed, it is clear that the unreleased report of the Ad Hoc Review Committee suggests that the issue of student representation should be settled since this unresolved issue was both divisive and distracting. The Dean seems to have taken the contents of the review to heart. It only remains for the Faculty to follow the Dean's lead.

The question of student representation has been a source of acrimony for at least three successive Faculty Councils. 1980 witnessed the battle of the memos which needlessly contributed to the rise in tension. The following year, upon Faculty's continuing refusal to increase student representation, students held a day of silence during which they refused to participate in class. Last year when students were again rebuffed, some comments were made in Faculty Council which further poisoned the atmosphere in the school.

On none of the previous occasions did the Dean enter the debate. Now that he has effectively done so, a solution seems to be at hand.

Henri R. Pallard

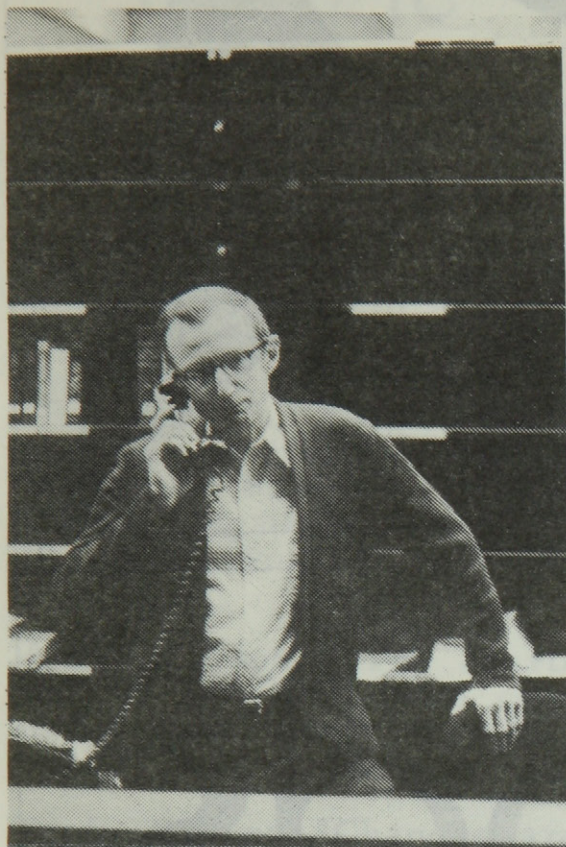
### Next Week

An inside view of the process which will select the new Dean.

Part II of Professor Joseph Vining

Et L'histoire d'eau

# WELCOME



"Harold...phone home."

## Copyright Conflict

To The Editor:

It has again come to my attention that you intend to print a picture of Harold -- "the Bookie" in this issue of Quid Novi.

Having taken the picture, I own the copyright to it, and all rights related thereto.

Be advised that I do not grant you license to print the said picture, unless you give appropriate credit to me in the following form: "Photo -- Ron Lucciola, 1982" immediately above or below the reproduction.

Any other use of the photograph is a violation of the Copyright Act, and of my rights.

I note that this is not

the first time that I have had to make this demand. I reserve my rights accordingly.

Ron Lucciola

## Chettle and the Charter

To The Editor:

John Chettle, an anti-divestment speaker from South Africa, was scheduled for a public address in the Union Building at 1 p.m. Thursday January 27.

Upon his appearance, members of an organized group rose and began shouting. Their message, while less than properly articulate in its delivery, was as clear as their rage. Their position -- at best -- was that since racism is essentially undemocratic, the racist speaker has no right to give a public address.

The speaker did deliver somewhat of an oratory, but the shouting continued with remarkable energy until the hour ended.

Unfortunately, those who were causing the disturbance were not aware that sections 1 and 2 of the Charter guarantee the freedom of thought, belief, opinion, and expression to such reasonable limits as can be demonstrably justified in a free and democratic society.

Only reason can distinguish between dogma and truth. In the light of reason, racism sinks to its knees in shame.

Admirably, at least one

person was able to hear and report the contents of the South African's speech (see Chettle: "It's Black and White", McGill Daily Friday, January 28, 1983). I was not so fortunate. I had attended the speech to KNOW what images a representative of South Africa would offer of his nation in 1983 so that I might understand and intelligently oppose. The shouting democrats censored speech in a peaceful assembly, thereby dissolving the democracy which they so valiantly represented.

As a result I cannot pretend to oppose the views of the speaker: I did not hear what he said.

Neil R. Matthews  
BCL I

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# Western Lawgic

Prof. Baker: "Sometimes mistakes happen by accident."

Prof. Stevens: "The Common Law's answer is...so what?"

Dean Philip Slayton: "Rathwell v. Rathwell will take its position as one of the classic Supreme Court of Canada judgments, along with the other two."

Judge Carson: "The courts like to have the same consistency of error throughout."

Prof. Baker: "Chances are that the cow could not have children...er...cows...I mean calves."

Prof. Wm. Caskey: "Is this class going to continue treating me like a mushroom -- keeping me in the dark and feeding me horseshit?"

Prof. Stevens: "I can't answer hypothetical questions."

Prof. Albert Oosterhoff (to the Trusts class, on job-placement opportunities): "Victoria, British Columbia is full of old ladies dying...very good for a trust lawyer."

Prof. G.H.L. Fridman: "Bigamy is prohibited by section 254 of the Criminal Code; everyone knows that the penalty for bigamy is having two mothers-in-law."

Prof. Stevens: "The exam will be open book -- open anything you've got."

# Missing

Cont'd from p. 8

book version sold only 9,000 copies (since the advent of the movie it has sold 500,000). On the eve of the movie premiere, the U.S. State Department issued an unprecedented "White Paper" condemning the film and denying American complicity in the coup or the murder of Charles Horman. Even now the producers are being sued by several American officials portrayed. But Hauser insists he has yet to learn of any inaccuracy in his book.

Hauser concluded his addresses to the five hundred people present by saying that it was up to each one of us to decide what we were willing to do to shake off complacency. McGill law students do not have far to look for activity in this vein. The McGill Centre for the Advocacy of Human Rights is meeting regularly (watch for notices) and McGill Amnesty International is a campus club that is af-

filiated with the international group, and has more than fifty active members here.

As for me, I'm just going to wait five years and give up my prestigious Bay Street/P.V.M. law position to write searing political exposés and chit-chat with Nastasia Kinski....

## Graduating Class Pictures

There will be an important meeting for ALL graduating students interested in participating in a Class Picture for their respective levels -- B.C.L., LL.B., and National.

Estimates from various sources will be provided so all graduates are encouraged to attend as prices will vary according to the number of students involved.

WEDNESDAY, FEBRUARY 9,  
1983, 12:00 in the  
Moot Court

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# Missing Without a Trace

by F. Rick Goldman

Imagine for a moment that this is what's in store for you: You've attended the legal-aid lecture on finding a stagiaire position and have resolved to quit the Québec juggernaut for the excitement and challenge of the Big Apple. After graduation you land a position with a prestigious Wall Street firm, but five years of practice leave you disenchanted with the profession and you decide to launch your career as a writer. Your first book is a searing political exposé, which becomes a bestseller and a startling movie, and which captures the heart of the nation, bringing you calls from the likes of Bianca Jagger.

A bit far-fetched? The mere fantasy of a student trying desperately to delay the moment when he will have to crack his Property II casebook?

Mais non, mes chères. This is (including the calls from Bianca Jagger) the story of Thomas Hauser, author of Missing, who spoke at McGill recently following a screening of his gut-wrenching film. Hauser graduated from Columbia Law School in 1970 and practiced law for five years on Wall Street, taking on government officials under the First Amendment. He then left law to try his hand at writing. His first book, The Execution of Charles Horman, forms the basis of the movie Missing. It is the true story of the disappearance and death of Charles Horman, a young American living in Chile during the CIA-supported overthrow of the democratically-elected Allende government in 1973.

The many in this faculty

who have seen Missing will know that it makes a strong statement for the rights of an individual in a totalitarian society. But this is not a film that preaches to the converted. On the contrary, Missing succeeds by reaching out to the majority of North Americans, who are represented in the movie by Ed Horman, the conservative New York businessman who goes to Chile to look for his lost son.

Horman, like most Americans, takes it for granted that his government is promoting abroad the same ideals of freedom and justice so cherished at home. Horman at first chastises his son's wife for rejecting the traditional American lifestyle to travel and live in Latin America. He dismisses her suspicions of the American government complicity in the disappearance of Charles as "anti-establishment paranoia."

But when Ed has finally confirmed his daughter-in-law's worst apprehensions, and has been thoroughly exposed to the hell of coup-time Santiago, he returns to face the American ambassador, who tells him point-blank that the 3000 American businesses operating in Chile are the first interests to be protected -- not the life of an American who was a bit too nosy for his own good (and certainly not the 20 or 30 thousand Chileans who were, incidentally, massacred along with him).

"What we're protecting is the American way of life, Mr. Horman," the Ambassador tells him. "And a damn good one it is." Ed has no answer when the Ambassador points out that were it not for his personal interest, Ed would be sitting complacently in New York with nary

a thought about coups.

After the screening, the author explained the motivation behind Missing:

"Chile is governed by a brutal, fascist dictatorship," he explained, "and I don't use the term lightly. It has crushed political parties, freedom of speech and labour unions. It has presided over the arrest, torture and execution of 20 or 30 thousand people, including Charles Horman."

But the real message, according to Hauser, is not simply that acts of brutality are being committed by a government at the other end of the world. The message is that, whether we know it or not, such events are aided and abetted by democratic governments and are justified as necessary to protect our "damn fine lifestyle." Thus, we have a certain moral responsibility to oppose violations of human rights in countries like Chile.

On this point, the author cited Charles Horman's mother from his book: "Charles' death taught me the lesson of political responsibility. I used to think I could till the soil of my own little plot of land, and let the rest of the world care for its own problems. What our country did in Vietnam, what happened to people overseas was no concern of mine. I was wrong. I now know that each one of us is obliged to fight for what is right and take responsibility for what our government does. If we don't, sooner or later it will affect us all."

Getting his message across was not easy, according to Hauser. His original

Cont'd on p. 7